

## CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number \_\_\_\_\_

Meeting Type: Regular

Meeting Date: 7/26/2012

Action Requested By:  
Legal

Agenda Item Type  
Ordinance

Subject Matter:

Eminent domain proceedings for Dan Tibbs Sanitary Sewer Project.

Exact Wording for the Agenda:

Resolution authorizing eminent domain proceedings for sanitary sewer easements and temporary construction easements on, over and upon certain parcels of land for the Dan Tibbs Sanitary Sewer Project.

**Note: If amendment, please state title and number of the original**

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what Council action will provide, allow and accomplish and; any other information that might be helpful.

Associated Cost:

Budgeted Item: No

MAYOR RECOMMENDS OR CONCURS: Yes

Department Head: 

Date: 7-20-12

Dan Tibbs  
Sanitary Sewer  
#65-12-SS01

RESOLUTION NO. 12-\_\_\_\_\_

BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, a municipal corporation within the State of Alabama, as follows:

1. That in the judgment and opinion of the City Council of the City of Huntsville, it is in the public interest and necessary and expedient that the City of Huntsville acquire and/or condemn several permanent, exclusive sanitary sewer easements and temporary construction easements on, over and upon the following described parcels of land, viz:

See Exhibits "A-1" through "E-2," which are attached hereto and incorporated herein, a copy of each being permanently kept on file in the Office of the City Clerk-Treasurer of the City of Huntsville, Alabama.

A corresponding map for each parcel follows the parcel description(s) for each respective tract.

2. That the obtainment of the foregoing property is necessary for the Dan Tibbs Road Sanitary Sewer Project, Project No. 65-12-SS01, which is in the best interests of the citizens of the City of Huntsville in that the same will contribute to the health and general welfare of the citizens of Huntsville.

3. That the Mayor of the City of Huntsville, be, and he is hereby authorized, empowered and directed to cause said above described property to be appraised in accordance with Section 18-1A-21 of the Code of Alabama, as amended, to determine the amount that would constitute just compensation for its taking.

4. That the Mayor of the City of Huntsville be, and he is further authorized, empowered and directed to attempt to acquire the said above described property for said City for the aforesaid purposes at a fair and reasonable price in accordance with Section 18-1A-22 of the Code of Alabama, as amended.

5. Any prior acts taken by the administration toward the acquisition of the said property and/or any other properties related to said project, pursuant to the eminent domain code are hereby ratified.

6. That in case of failure to acquire said properties for the purposes aforesaid by purchase from the owner or owners thereof, the said Mayor is hereby authorized to engage Samuel H. Givhan, Attorney at Law, and the law firm of Wilmer & Lee, P.A., to file and conduct condemnation proceedings on behalf of the City of Huntsville for the

acquisition of said properties by the exercise of the right of eminent domain.

ADOPTED this the 26th day of July, 2012.

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President of the City Council  
City of Huntsville, Alabama

APPROVED this the 26th day of July, 2012.

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Tommy Battle  
Mayor of the City of Huntsville,  
Alabama

**LEGAL DESCRIPTION  
DAN TIBBS ROAD SANITARY SEWER EXTENSION  
TRACT 2**

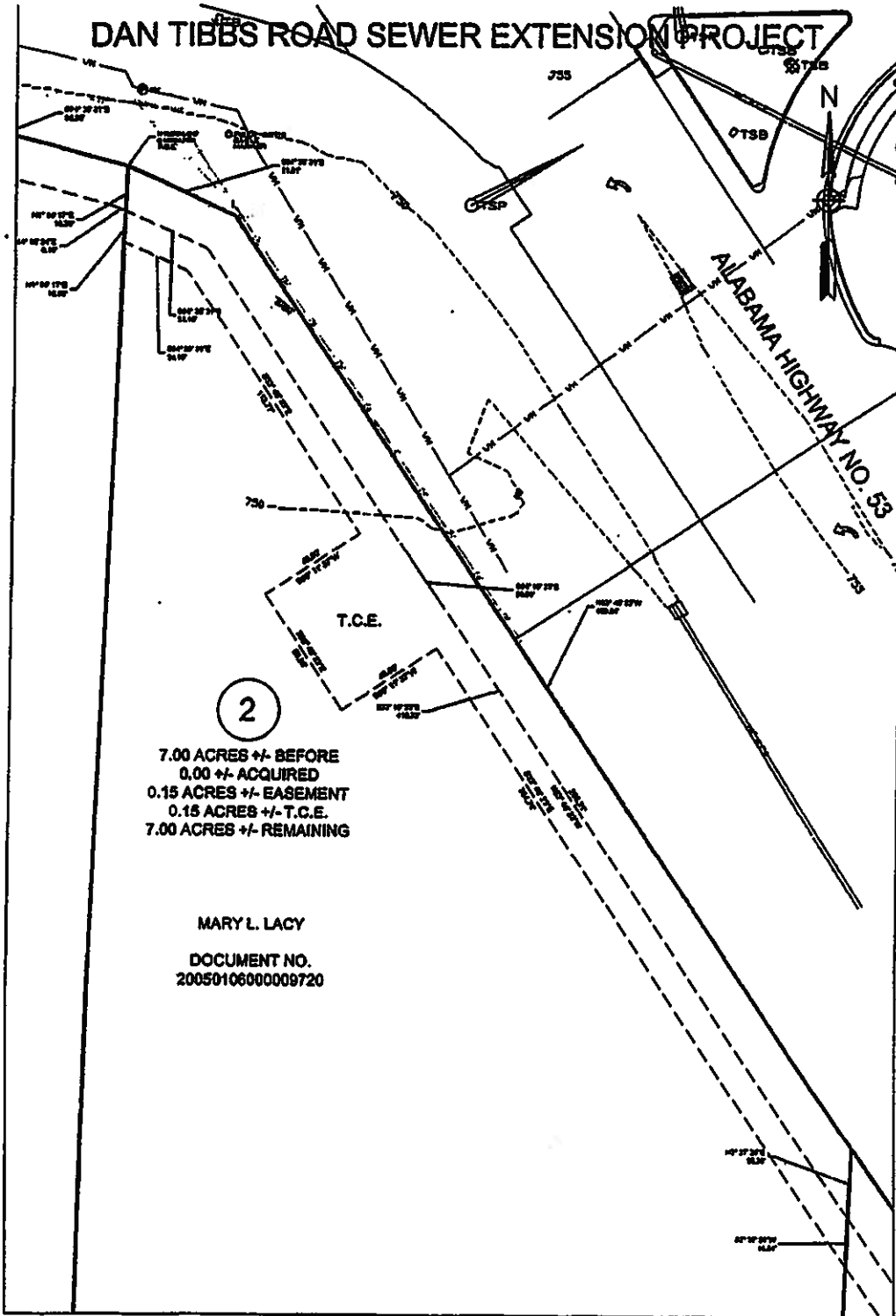
All that part of Section 17, Township 3 South, Range 1 West, Madison County, Alabama and more particularly described as:

Beginning at a point on the southerly right-of-way line of Dan Tibbs Road, having coordinates of N:1,557,668.4187, E:408,694.7150; thence S64°35'31"E along the southerly right-of-way line of Dan Tibbs Road a distance of 41.81 feet to the westerly right-of-way line of Alabama Highway No. 53; thence S33°48'23"E along the westerly right-of-way line of Alabama Highway No. 53 a distance of 400.54 feet to the northeasterly corner of the 7.00 acre tract of land conveyed to Mary L. Lacy as recorded in Document Number 20050106000009720; thence S02°37'26"W along the easterly boundary of said 7.00 acre tract of land a distance of 25.26 feet; thence N33°48'23"W a distance of 416.73 feet; thence N64°35'31"W a distance of 31.19 feet; thence N01°59'17"E a distance of 16.35 feet to the point of beginning and containing 6,676 square feet or 0.15 acres, more or less.

**LEGAL DESCRIPTION  
DAN TIBBS ROAD SANITARY SEWER EXTENSION  
TRACT 2  
TEMPORARY CONSTRUCTION EASEMENT**

All that part of Section 17, Township 3 South, Range 1 West, Madison County, Alabama and more particularly described as:

Commencing at a point on the southerly right-of-way line of Dan Tibbs Road, having coordinates of N:1,557,668.4187, E:408,694.7150; thence S01°59'17"W a distance of 16.35 feet to the point of beginning; thence S64°35'31"E a distance of 31.19 feet; thence S33°48'23"E a distance of 416.73 feet; thence S02°37'26"W a distance of 16.84 feet; thence N33°48'23"W a distance of 264.76 feet; thence S56°11'37"W a distance of 40.00 feet; thence N33°48'23"W a distance of 50.00 feet; thence N56°11'37"E a distance of 40.00 feet; thence N33°48'23"W a distance of 112.77 feet; thence N64°35'31"W a distance of 24.10 feet; thence N01°59'17"E a distance of 10.90 feet to the point of beginning and containing 6,498 square feet or 0.15 acres, more or less.



TRACT NUMBER: 2  
OWNER: MARY L. LACY  
TOTAL ACREAGE: 7.00 AC  
ROW ACQUIRED: 0.00 AC  
EASEMENT: 0.15 AC  
T.C.E.: 0.15 AC  
REMAINDER: 7.00 AC

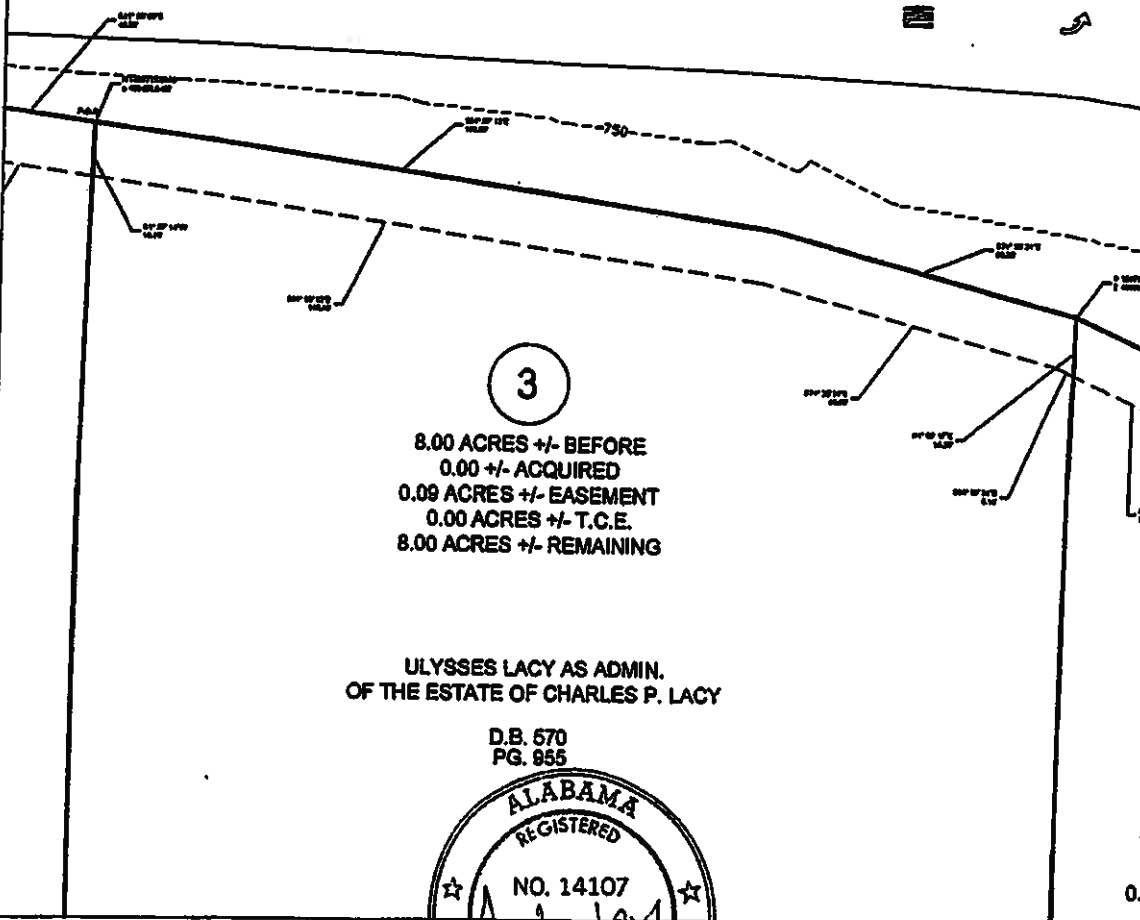
CITY OF HUNTSVILLE ENGINEERING DEPT.  
PROJECT NUMBER:  
COUNTY: MADISON  
CITY: HUNTSVILLE  
SCALE: 1"= 40'  
DATE: 11.29.11 REVISED 03.06.12  
(NOT A BOUNDARY SURVEY)

**LEGAL DESCRIPTION  
DAN TIBBS ROAD SANITARY SEWER EXTENSION  
TRACT 3**

**All that part of Section 17, Township 3 South, Range 1 West, Madison County, Alabama and more particularly described as:**

**Beginning at a point on the southerly right-of-way line of Dan Tibbs Road, having coordinates of N:1,557,717.6886, E:408,425.8427; thence S81°53'13"E along the southerly right-of-way line of Dan Tibbs Road a distance of 188.53 feet; thence S74°35'31"E along the southerly right-of-way line of Dan Tibbs Road a distance of 85.30 feet; thence S01°59'17"W a distance of 16.35 feet; thence N64°35'31"W a distance of 5.18 feet; thence N74°35'31"W a distance of 83.03 feet; thence N81°53'13"W a distance of 185.86 feet; thence N01°37'14"E a distance of 15.10 feet to the point of beginning and containing 4,110 square feet or 0.09 acres, more or less.**

# DAN TIBBS ROAD SEWER EXTENSION PROJECT



TRACT NUMBER: 3  
OWNER: ULYSSES LACY AS ADMIN.  
TOTAL ACREAGE: 8.00 AC  
ROW ACQUIRED: 0.00 AC  
EASEMENT: 0.09 AC  
T.C.E.: 0.00 AC

CITY OF HUNTSVILLE ENGINEERING DEPT.  
PROJECT NUMBER:  
COUNTY: MADISON  
CITY: HUNTSVILLE  
SCALE: 1"= 40'  
DATE: 11.29.11



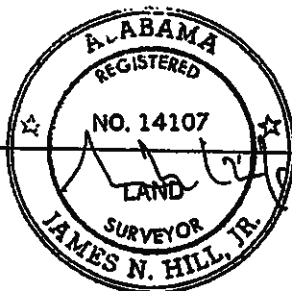
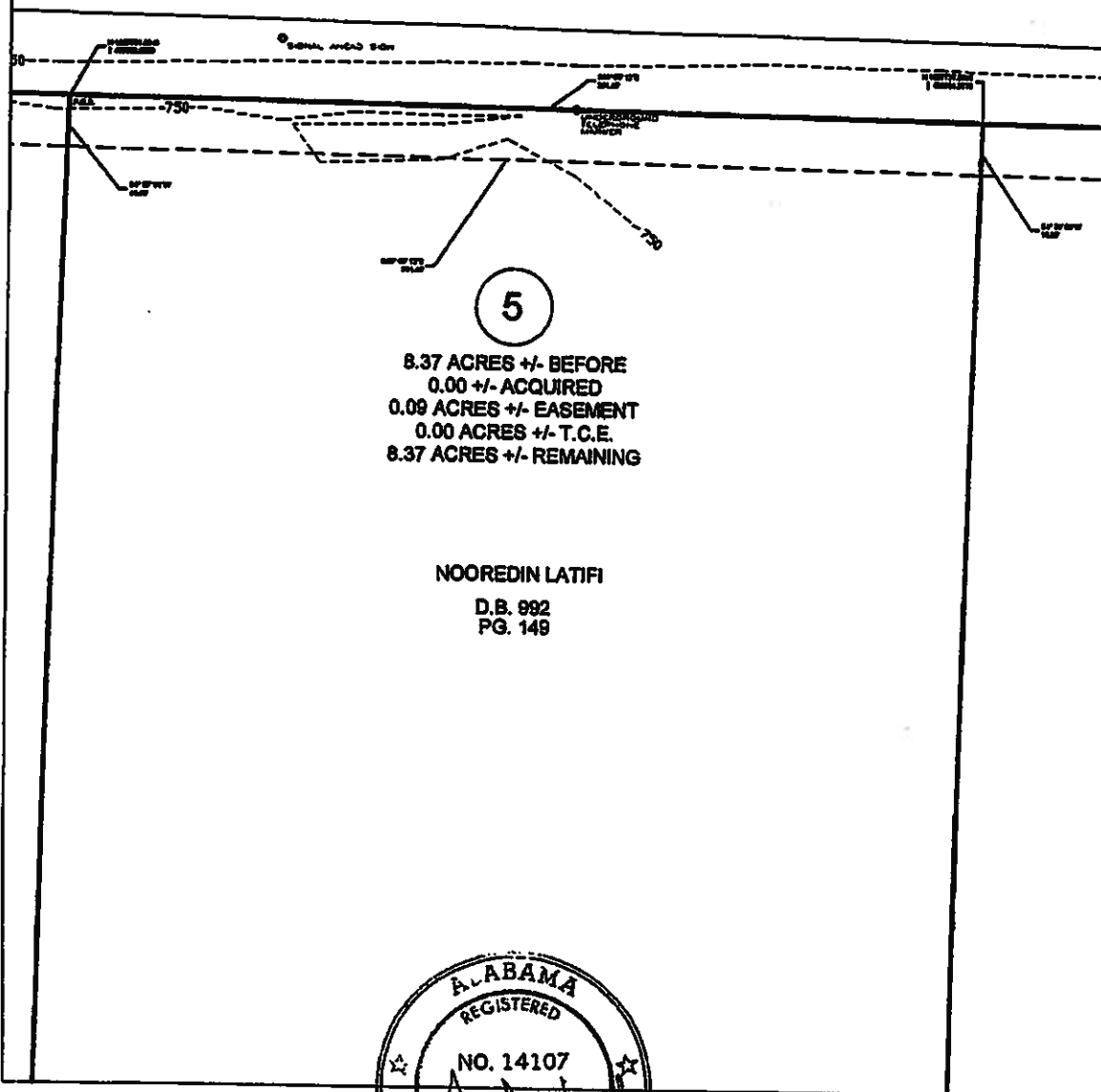
**LEGAL DESCRIPTION  
DAN TIBBS ROAD SANITARY SEWER EXTENSION  
TRACT 5**

**All that part of Section 17, Township 3 South, Range 1 West, Madison County, Alabama  
and more particularly described as:**

**Beginning at a point on the southerly right-of-way line of Dan Tibbs Road, having  
coordinates of N:1,557,731.6249, E:407,902.9320; thence S89°00'12"E along the  
southerly right-of-way line of Dan Tibbs Road a distance of 261.48 feet; thence  
S01°36'56"W a distance of 15.00 feet; thence N89°00'12"W a distance of 261.48 feet;  
thence N01°37'01"E a distance of 15.00 feet to the point of beginning and containing  
3,922 square feet or 0.09 acres, more or less.**

# DAN TIBBS ROAD SEWER EXTENSION PROJECT

Exhibit "C-2"



TRACT NUMBER: 5  
OWNER: NOOREDIN LATIFI  
TOTAL ACREAGE: 8.37 AC  
ROW ACQUIRED: 0.00 AC  
EASEMENT: 0.09 AC  
T.C.E.: 0.00 AC  
REMAINDER: 8.37 AC

CITY OF HUNTSVILLE ENGINEERING DEPT.  
PROJECT NUMBER:  
COUNTY: MADISON  
CITY: HUNTSVILLE  
SCALE: 1"= 40'  
DATE: 11.29.11  
(NOT A BOUNDARY SURVEY)

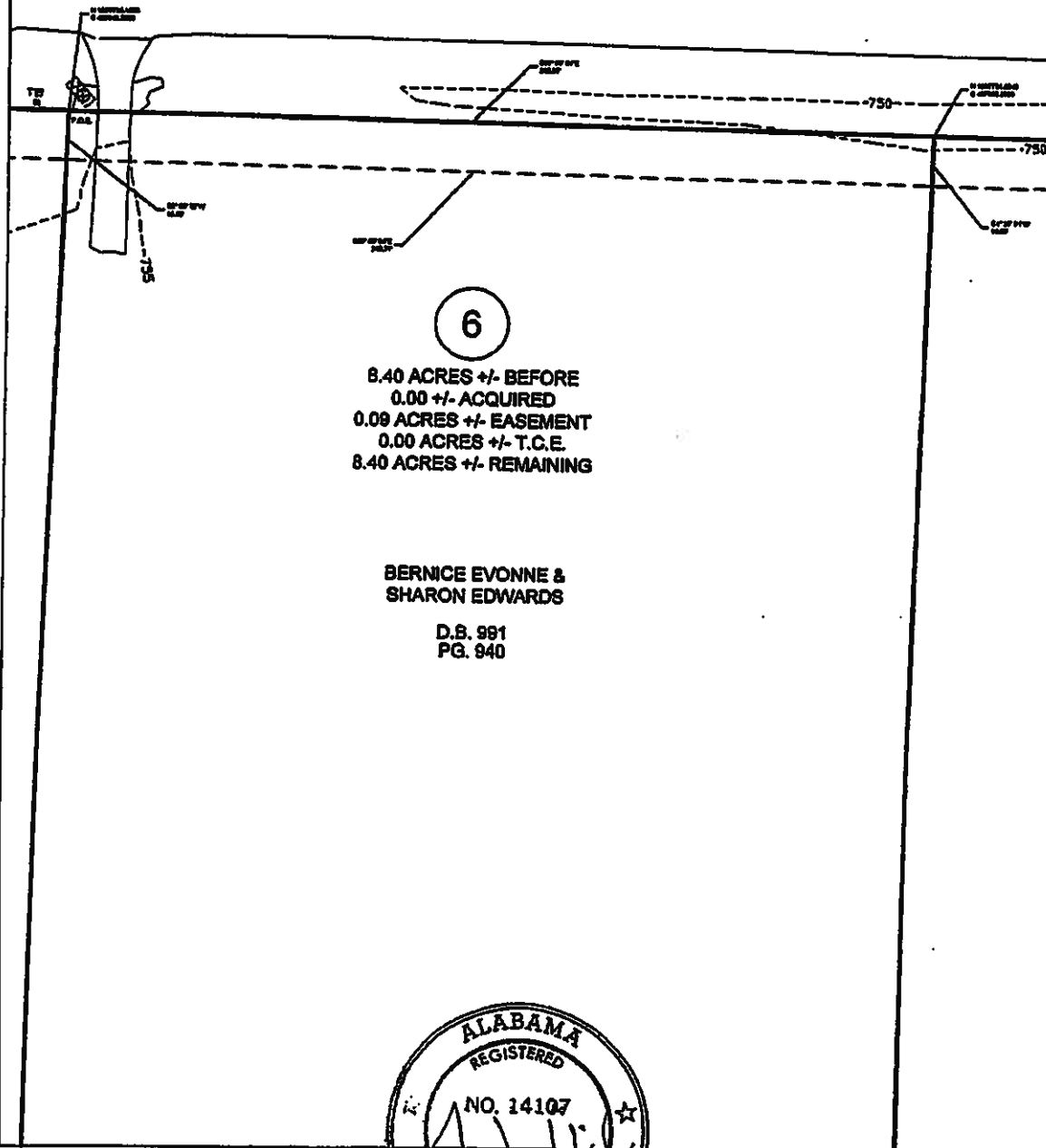
**LEGAL DESCRIPTION**  
**DAN TIBBS ROAD SANITARY SEWER EXTENSION**  
**TRACT 6**

**All that part of Section 17, Township 3 South, Range 1 West, Madison County, Alabama and more particularly described as:**

**Beginning at a point on the southerly right-of-way line of Dan Tibbs Road, having coordinates of N:1,557,736.1690, E:407,642.3033; thence S89°00'04"E along the southerly right-of-way line of Dan Tibbs Road a distance of 260.67 feet; thence S01°37'01"W a distance of 15.00 feet; thence N89°00'04"W a distance of 260.77 feet; thence N02°00'12"E a distance of 15.00 feet to the point of beginning and containing 3,911 square feet or 0.09 acres, more or less.**

# DAN TIBBS ROAD SEWER EXTENSION PROJECT

Exhibit "D-2"



TRACT NUMBER: 6

OWNER: BERNICE EVONNE & SHARON EDWARDS

TOTAL ACREAGE: 8.40 AC

ROW ACQUIRED: 0.00 AC

EASEMENT: 0.09 AC

T.C.E.: 0.00 AC

REMAINDER: 8.40 AC

CITY OF HUNTSVILLE ENGINEERING DEPT.

PROJECT NUMBER:

COUNTY: MADISON

CITY: HUNTSVILLE

SCALE: 1"= 40'

DATE: 11.29.11

NOT A COMPLETELY CLOSED

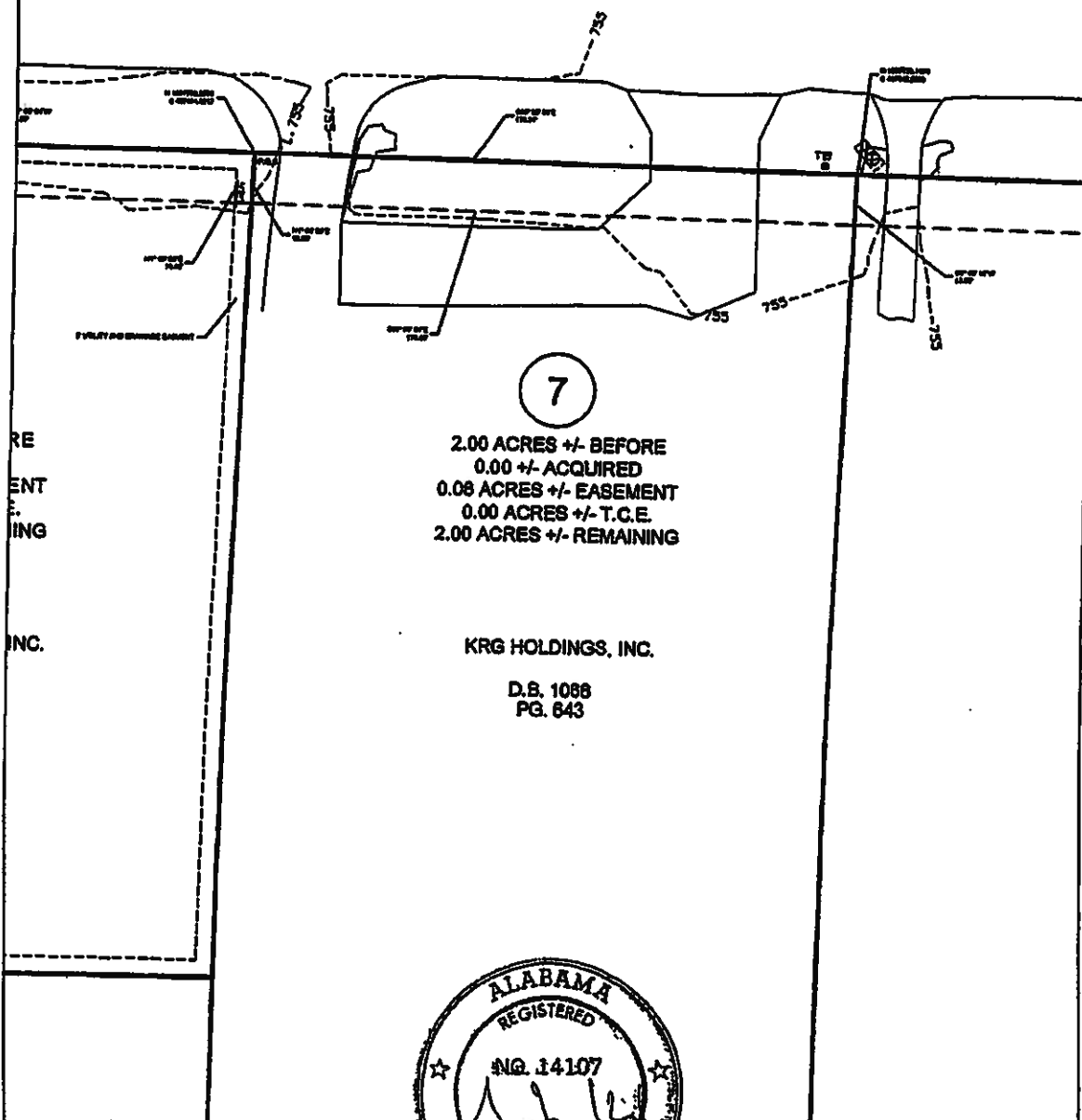
**LEGAL DESCRIPTION  
DAN TIBBS ROAD SANITARY SEWER EXTENSION  
TRACT 7**

**All that part of Section 18, Township 3 South, Range 1 West, Madison County, Alabama  
and more particularly described as:**

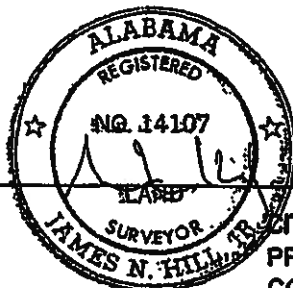
**Beginning at a point on the southerly right-of-way line of Dan Tibbs Road, having  
coordinates of N:1,557,739.2756, E:407,464.1217; thence S89°00'04"E along the  
southerly right-of-way line of Dan Tibbs Road a distance of 178.21 feet; thence  
S02°00'12"W a distance of 15.00 feet; thence N89°00'04"W a distance of 178.19 feet;  
thence N01°55'56"E a distance of 15.00 feet to the point of beginning and containing  
2,673 square feet or 0.06 acres, more or less.**

# DAN TIBBS ROAD SEWER EXTENSION PROJECT

Exhibit "E-2"



TRACT NUMBER: 7  
 OWNER: KRG HOLDINGS, INC.  
 TOTAL ACREAGE: 2.00 AC  
 ROW ACQUIRED: 0.00 AC  
 EASEMENT: 0.08 AC  
 T.C.E.: 0.00 AC



CITY OF HUNTSVILLE ENGINEERING DEPT.  
 PROJECT NUMBER:  
 COUNTY: MADISON  
 CITY: HUNTSVILLE  
 SCALE: 1"= 40'  
 DATE: 11.29.11